(2) Each annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the Commission's functions.

(3) The Secretary of State shall lay a copy of every annual report before each House of Parliament, and shall cause the report to be published.

Section 47 (as amended by section 137 of the Housing Act 1988)

(1) The Commission may issue codes of practice containing such practical guidance as the Commission think fit for all or any of the following purposes, namely:

(*a*) The elimination of discrimination in the field of employment;

(*b*) The promotion of equality of opportunity in that field between persons of different racial groups;

(*c*) The elimination of discrimination in the field of housing let or tenancies or occupied under licences (''the field of rented housing'');

(*d*) The promotion of equality of opportunity in the field of rented housing between people of different racial groups.

(2) When the Commission propose to issue a code of practice, they shall prepare and publish a draft of that code, shall consider any representations made to them about the draft and may modify the draft accordingly.

(3) In the course of preparing any draft code of practice relating to the field of employment for eventual publication under subsection (2), the Commission shall consult with:

(*a*) Such organizations or associations of organizations representative of employers or of workers; and

(*b*) Such other organizations, or bodies, as appear to the Commission to be appropriate.

(3A) In the course of preparing any draft code of practice relating to the field of rented housing for eventual publication under subsection (2), the Commission shall consult with such organizations or bodies as appear to the Commission to be appropriate having regard to the content of the draft code.

(4) If the Commission determines to proceed with a draft code of practice, they shall transmit the draft to the Secretary of State who shall:

(*a*) If he approves of it, lay it before both Houses of Parliament; and

(*b*) If he does not approve of it, publish details of his reasons for withholding approval.

Section 48. (1) Without prejudice to their general power to do anything requisite for the performance of their duties under section 43 (1), the Commission may if they think fit, and shall if required by the Secretary of State, conduct a formal investigation for any purpose connected with the carrying out of those duties.

(2) The Commission may, with the approval of the Secretary of State, appoint, on a full-time or part-time basis, one or more individuals as additional Commissioners for the purposes of a formal investigation.

(3) The Commission may nominate one or more Commissioners, with or without one or more additional Commissioners, to conduct a formal investigation on their behalf, and may delegate any of their functions in relation to the investigation to the persons so nominated.

Section 53. (1) Except as provided by this Act no proceedings, whether civil or criminal, shall lie against any person in respect of an act by reason that the act is unlawful by virtue of a provision of this Act.

(2) Subsection (1) does not preclude the making of an order of *certiorari*, mandamus or prohibition.

(3) In Scotland, subsection (1) does not preclude the exercise of the jurisdiction of the Court of Session to entertain an application for reduction or suspension of any order or determination or otherwise to consider the validity of any order or determination, or to require reasons for any order or determination to be stated.

Section 54. (1) A complaint by any person (''the complainant'') that another person (''the respondent''):

(*a*) Has committed an act of discrimination against the complainant which is unlawful by virtue of Part II; or

(*b*) Is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination against the complainant,

may be presented to an industrial tribunal.

Section 57. (1) A claim by any person (''the claimant'') that another person (''the respondent''):

(*a*) Has committed an act of discrimination against the claimant which is unlawful by virtue of Part III; or

(*b*) Is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) Proceedings under subsection (1):

(*a*) Shall, in England and Wales, be brought only in a designated county court; and

(*b*) Shall, in Scotland, be brought only in a sheriff court;

but all such remedies shall be obtainable in such proceedings as, apart from this subsection and section 53 (1), would be obtainable in the High Court or the Court of Session, as the case may be.

Section 65. (1) With a view to helping a person ("the person aggrieved") who considers he may have been discriminated against in contravention of this Act to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the Secretary of State shall by order prescribe:

(*a*) Forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and

(*b*) Forms by which the respondent may if he so wishes reply to any questions.

(2) Where the person aggrieved questions the respondent (whether in accordance with an order under subsection (1) or not:

(*a*) The question, and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this section, be admissible as evidence in the proceedings;

(*b*) If it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.

(3) The Secretary of State may by order:

(*a*) Prescribe the period within which questions must be duly served in order to be admissible under subsection (2) (*a*); and

(*b*) Prescribe the manner in which a question, and any reply by the respondent, may be duly served.

(4) Rules may enable the court entertaining a claim under section 57 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.

(5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court, sheriff court or industrial tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

Section 66. (1) Where, in relation to proceedings or prospective proceedings under this Act, an individual who is an actual or prospective complainant or claimant applies to the Commission for assistance under this section, the Commission shall consider the application and may grant it if they think fit to do so:

(*a*) On the ground that the case raises a question of principle; or

(*b*) On the ground that it is unreasonable, having regard to the complexity of the case, or to the applicant's position in relation to the respondent

or another person involved, or to any other matter, to expect the applicant to deal with the case unaided; or

(*c*) By reason of any other special consideration.

Section 70. (1) The Public Order Act 1936 shall be amended in accordance with the following provisions of this section.

(2) After section 5 there shall be inserted the following section:

5A. (1) A person commits an offence if:

(*a*) He publishes or distributes written matter which is threatening, abusive or insulting; or

(*b*) He uses in any public place or at any public meeting words which are threatening, abusive or insulting,

in a case where, having regard to all the circumstances, hatred is likely to be stirred up against any racial group in Great Britain by the matter or words in question.

. . .

(5) A person guilty of an offence under this section shall be liable:

(*a*) On summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both;

(*b*) On conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both;

but no prosecution for such an offence shall be instituted in England and Wales except by or with the consent of the Attorney-General.

Public Order Act 1986

Section 17. In this part "racial hatred" means hatred against a group of persons in Great Britain defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

Section 18. (1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if:

(*a*) He intends thereby to stir up racial hatred, or

(*b*) Having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.

(3) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.

(4) In proceedings for an offence under this section it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.

(5) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not intend his words or behaviour, or the written material, to be, and was not aware that it might be, threatening, abusive or insulting.

(6) This section does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme broadcast or included in a cable programme service.

Section 19. (1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if:

(*a*) He intends thereby to stir up racial hatred, or

(*b*) Having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(3) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

Section 20. (1) If a public performance of a play is given which involves the use of threatening, abusive or insulting words or behaviour, any person who presents or directs the performance is guilty of an offence if:

(*a*) He intends thereby to stir up racial hatred, or

(*b*) Having regard to all the circumstances (and, in particular, taking the performance as a whole) racial hatred is likely to be stirred up thereby.

(2) If a person presenting or directing the performance is not shown to have intended to stir up racial hatred, it is a defence for him to prove:

(*a*) That he did not know and had no reason to suspect that the performance would involve the use of the offending words or behaviour, or

(*b*) That he did not know and had no reason to suspect that the offending words or behaviour were threatening, abusive or insulting, or

(*c*) That he did not know and had no reason to suspect that the circumstances in which the performance would be given would be such that racial hatred would be likely to be stirred up.

(3) This section does not apply to a performance given solely or primarily for one or more of the following purposes:

(*a*) Rehearsal,

(*b*) Making a recording of the performance, or

(*c*) Enabling the performance to be broadcast or included in a cable programme service;

but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in paragraph (*b*) or (*c*), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purposes mentioned above.

(4) For the purposes of this section:

(*a*) A person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer,

(*b*) A person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and

(*c*) A person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;

and a person shall not be treated as aiding or abetting the commission of an offence under this section by reason only of his taking part in a performance as a performer.

(5) In this section "play" and "public performance" have the same meaning as in the Theatres Act 1968.

(6) The following provisions of the Theatres Act 1968 apply in relation to an offence under this section as they apply to an offence under section 2 of that Act:

Section 9 (script as evidence of what was performed),

Section 10 (power to make copies of script),

Section 15 (powers of entry and inspection).

Section 21. (1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence if:

(*a*) He intends thereby to stir up racial hatred, or

(*b*) Having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In this Part "recording" means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This section does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be broadcast or included in a cable programme service.

Section 22. (1) If a programme involving threatening, abusive or insulting visual images or sounds is broadcast, or included in a cable programme service, each of the persons mentioned in subsection (2) is guilty of an offence if:

(*a*) He intends thereby to stir up racial hatred, or

(*b*) Having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) The persons are:

(*a*) The person providing the broadcasting or cable programme service,

(*b*) Any person by whom the programme is produced or directed, and

(*c*) Any person by whom offending words or behaviour are used.

(3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up racial hatred, it is a defence for him to prove that:

(*a*) He did not know and had no reason to suspect that the programme would involve the offending material, and

(*b*) Having regard to the circumstances in which the programme was broadcast, or included in a cable programme service, it was not reasonably practicable for him to secure the removal of the material.

(4) It is a defence for a person by whom the programme was produced or directed who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect:

(*a*) That the programme would be broadcast or included in a cable programme service, or

(*b*) That the circumstances in which the programme would be broadcast or so included would be such that racial hatred would be likely to be stirred up.

(5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect:

(*a*) That a programme involving the use of the offending material would be broadcast or included in a cable programme service, or

(*b*) That the circumstances in which a programme involving the use of the offending material would be broadcast, or so included, or in which a programme broadcast or so included would involve the use of the offending material, would be such that racial hatred would be likely to be stirred up.

(6) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.

(7) This section does not apply:

(*a*) To the broadcasting of a programme by the British Broadcasting Corporation or the Independent Broadcasting Authority, or

(*b*) To the inclusion of a programme in a cable programme service by the reception and immediate retransmission of a broadcast by either of those authorities.

(8) The following provisions of the Cable and Broadcasting Act 1984 apply to an offence under this section as they apply to a "relevant offence" as defined in section 33 (2) of that Act:

Section 33 (scripts as evidence),

Section 34 (power to make copies of scripts and records),

Section 35 (availability of visual and sound records);

and sections 33 and 34 of that Act apply to an offence under this section in connection with the broadcasting of a programme as they apply to an offence in connection with the inclusion of a programme in a cable programme service.

Section 23. (1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to:

(*a*) In the case of written material, its being displayed, published, distributed, broadcast or included in a cable programme service, whether by himself or another, or

(*b*) In the case of a recording, its being distributed, shown, played, broadcast or included in a cable programme service, whether by himself or another,

is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.

(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, broadcasting or inclusion in a cable programme service as he has, or it may reasonably be inferred that he has, in view.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This section does not apply to the possession of written material or a recording by or on behalf of the British Broadcasting Corporation or the Independent Broadcasting Authority or with a view to its being broadcast by either of those authorities.

Section 24. (1) If in England and Wales a justice of the peace is satisfied by information on oath laid by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the justice may issue a warrant under his hand authorizing any constable to enter and search the premises where it is suspected the material or recording is situated.

(2) If in Scotland a sheriff or justice of the peace is satisfied by evidence on oath that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the sheriff or justice may issue a warrant authorizing any constable to enter and search the premises where it is suspected the material or recording is situated.

(3) A constable entering or searching premises in pursuance of a warrant issued under this section may use reasonable force if necessary.

(4) In this section "premises" means any place and, in particular, includes:

(*a*) Any vehicle, vessel, aircraft or hovercraft,

(*b*) Any offshore installation as defined in section 1 (3) (*b*) of the Mineral Workings (Offshore Installations) Act 1971, and

(*c*) Any tent or movable structure.

Section 25. (1) A court by or before which a person is convicted of:

(*a*) An offence under section 18 relating to the display of written material, or

(*b*) An offence under section 19, 21 or 23,

shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates.

(2) An order made under this section shall not take effect:

(*a*) In the case of an order made in proceedings in England and Wales, until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned;

(*b*) In the case of an order made in proceedings in Scotland, until the expiration of the time within which, by virtue of any statute, an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned.

(3) For the purposes of subsection (2) (*a*):

(*a*) An application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and

(*b*) Where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

(4) For the purposes of subsection (2) (*b*) the lodging of an application for a stated case or note of appeal against sentence shall be treated as the institution of an appeal.

Section 27. (1) No proceedings for an offence under this Part may be instituted in England and Wales except by or with the consent of the Attorney-General.

Venezuela

[*Original: Spanish*]

Constitution

Article 45. Foreigners have the same duties and rights as Venezuelans, with the limitations and exceptions established by this Constitution and the laws.

Political rights are reserved to Venezuelans, except as provided in article 111.

Venzuelans by naturalization who entered the country before reaching seven years of age and resided therein permanently until attaining full age shall enjoy the same rights as Venezuelans by birth.

Article 49. The Courts shall protect every inhabitant of the Republic in the enjoyment and exercise of the rights and guarantees established in this Constitution, in conformity with the law.

Proceedings shall be brief and summary and the competent judge shall have the power to re-establish immediately the infringed legal situation.

Article 49 is supplemented by the "Ley Orgánica de Amparo sobre Derechos y Garantías Cor itucionales" (see below).

Article 58. The right to life is inviolable. No law may establish the death penalty nor any authority carry it out.

Article 59. Every person has the right to be protected against injury to his honour, reputation or private life.

Article 60. Personal liberty and safety are inviolable, and consequently:

(1) No one may be arrested or detained, unless caught *in flagrante*, except by virtue of a written order of an official authorized to decree the detention, in the cases and with the formalities prescribed by law. The summary proceedings may not be prolonged beyond the maximum legally fixed limit.

The accused shall have access to the charges against him in the summary hearing and to all means of defence prescribed by law as soon as the corresponding writ of detention is issued.

In the event that a punishable act has been committed, the police authorities may adopt provisional measures of necessity or urgency, indispensable to ensure investigation of the act and trial of the guilty parties. The law shall fix a brief and peremptory time-limit in which the judicial authorities must be notified of such measures, and shall also establish a period in which the latter shall rule on them, it being understood that they have been revoked and are without effect, unless confirmed within that period.

. . .

(2) No one may be deprived of his liberty for obligations the non-compliance with which has not been defined by law as a crime or misdemeanour.

(3) No one may be held incommunicado or subjected to torture or to other proceedings which cause physical or moral suffering. Any physical or moral attack inflicted on a person subjected to restriction of his liberty is punishable.

(4) No one may be required to take an oath or compelled to make a statement or to acknowledge guilt in a criminal trial against himself, or against his spouse or the person with whom he lived as married, or against his relatives within the fourth degree of consanguinity or second of affinity.

(5) No one may be convicted in a criminal trial without first having been personally notified of the charges and heard in the manner prescribed by law.

Persons accused of an offence against the *res publica* may be tried *in absentia*, with the guarantees and in the manner prescribed by law.

(6) No one shall continue to be held after the issuance of an order for release by a competent authority or after fulfilling the penalty imposed. The establishment of bail required by law for granting provisional liberty of the person detained shall not be subject to a tax of any kind.

(7) No one may be sentenced to perpetual or infamous punishment. Punishment involving restriction of liberty may not exceed 30 years.

(8) No one may be tried for the same acts by virtue of which he has been judged previously.

(9) No one may be the object of forced recruitment or subjected to military service except under terms outlined by law.

(10) Measures of social interest against dangerous individuals may be taken only by fulfilment of conditions and formalities established by law. Such measures shall in all cases be directed towards readaptation of the individual to life in society.

Article 61. Discrimination based on race, sex, creed or social status shall not be permitted.

Identity documents for use in civil formalities shall contain no indication of any kind respecting filiation.

No official form of address shall be used other than "citizen" (*ciudadano*) and "you" (*usted*), except in diplomatic formulas.

Titles of nobility or hereditary distinctions shall not be recognized.

Article 64. Everyone may travel freely through the national territory, change his domicile or residence, leave and return to the Republic, bring his property into the country or take it out, with no other limitations than those established by law. Venezuelans may enter the country without the necessity of any authorization whatever. No act of the public authorities may establish against Venezuelans the penalty of banishment from the national territory, except as commutation of some other punishment and at the request of the guilty party himself.

Article 65. Everyone has the right to profess his religious faith and to practise his religion privately or publicly, provided that it is not contrary to the public order or morality.

Religious faiths shall be subject to the overall inspection of the National Executive, in conformity with the law.

No one may invoke religious beliefs or disciplines in order to avoid complying with the laws or to prevent another from exercising his rights.

Article 66. Everyone has the right to express his thoughts by the spoken word or in writing and to make use of any means of dissemination, without prior censorship; but statements which constitute offences are subject to punishment, according to law.

Article 67. Everyone has the right to present or address petitions to any public entity or official concerning matters that are within their competence and to obtain an appropriate reply.

Article 68. Everyone may utilize the organs administering justice in order to protect his rights and interests, under the terms and conditions established by law, which shall prescribe rules ensuring the exercise of this right by anyone who does not have sufficient means to do so. Defence is an inviolable right at every stage and grade of a trial.

Article 70. Everyone has the right of association for lawful ends, in conformity with the law.

Article 71. Everyone has the right to meet with others, publicly or privately without previous permission, for lawful ends and without arms. Meetings in public places shall be governed by law.

Article 73. The State shall protect the family as the fundamental nucleus of society, and shall see to the betterment of its moral and economic position.

The law shall protect marriage, shall promote the organization of the unattachable family patrimony, and shall provide whatever may help every family to acquire comfortable and hygienic housing.

Article 74. Motherhood shall be protected, regardless of the civil status of the mother. Necessary measures shall be enacted to ensure full protection of every child, without discrimination of any kind, from his conception until he is full grown, under favourable material and moral conditions.

Article 75. The law shall provide whatever may help every child, regardless of his filiation, to know his parents so that the latter may fulfil their duty of aiding, feeding and educating their children, and so that infancy and youth may be protected against abandonment, exploitation or abuse.

Filiation by adoption shall be protected by law. The State shall share with the parents, in a subsidiary manner and according to the possibilities of the latter, the responsibility incumbent on them in the rearing of children.

The support and protection of minors shall be the object of special legislation and of special courts and agencies.

Article 76. Everyone shall have the right to protection of his health.

The authorities shall oversee the maintenance of public health and shall provide the means of prevention and attention for those who lack them.

Everyone is obliged to submit to health measures established by law, within limits imposed by respect for the human person.

Article 77. The State shall strive to improve the living conditions of the rural population.

The law shall establish the special régime required for the protection of indigenous communities and their gradual incorporation into the life of the nation.

Article 78. Everyone has the right to an education. The State shall create and maintain schools, institutions and services sufficiently endowed to ensure an access to education and to culture, with no other limitations than those deriving from vocation and from aptitudes.

Education provided by public institutions shall be free of charge in all phases. However, the law may establish exceptions with respect to higher and special education, where persons with means are concerned.

Article 79. Every natural or juridical person may freely devote himself to the arts or sciences, and, by demonstration of his capacity, establish professorships and educational establishments under the supreme inspection and supervision of the State.

The State shall stimulate and protect private education provided in accordance with the principles contained in this Constitution and the laws.

Article 84. Everyone has the right to work. The State shall endeavour to ensure that every fit person may obtain employment that will provide him with a worthy and decent living.

Freedom of labour shall not be subject to any other restrictions than those established by law.

Article 85. Labour shall be the object of special protection. The law shall provide whatever is necessary to improve the material, moral and intellectual conditions of workers. The provisions established by law in favour of or to protect workers cannot be renounced.

Article 86. The law shall limit the maximum duration of working hours. Save for exceptions provided for, the normal duration of work shall

not exceed eight hours a day or 48 hours a week, and for night work, in those cases in which this is permitted, it shall not exceed seven hours a day or 42 hours a week.

All workers shall be entitled to a remunerated weekly day of rest and to paid vacations in conformity with the law.

A progressive diminution in working hours shall be promoted, within the scope of the social interest and in determined areas of activity, and suitable provision shall be made for a better utilization of leisure time.

Article 87. The law shall provide means conducive to obtaining fair wages; it shall establish norms for ensuring to every worker at least a minimum wage; it shall guarantee equal wages for equal work, without discrimination of any kind; it shall fix the participation that should pertain to workers in the profits of enterprises; and it shall protect wages and social benefits by making them unattachable in the proportion and cases specified and by any other privileges and guarantees that it may prescribe.

Article 90. The law shall favour the development of the collective relationships of labour and shall establish adequate regulation of collective negotiations and the peaceful solution of disputes. Collective agreements are to be supported and the union clause may be included therein, under the conditions prescribed by law.

Article 91. Unions of workers or of employers shall not be subject to any other requirements, as to their existence and operation, than those established by law for the purpose of ensuring a better accomplishment of their proper functions and of guaranteeing the rights of their members. The law shall protect in their employment, in a special manner, the trade union promoters and leaders during the time and under the conditions required for ensuring union freedom.

Article 92. Workers have the right to strike, under conditions fixed by law. In public services this right shall be exercised in those cases which the law may determine.

Article 93. Women and under-age workers shall receive special protection.

Article 94. A system of social security shall be developed progressively, designed to protect all inhabitants of the Republic against work accidents, illness, disability, old age, death, unemployment, and any other risks that can be covered by social security, and also against the charges derived from family life.

Persons who lack financial means and who are not in a position to obtain them shall be entitled to social assistance if they are incorporated in the social security system.

Organic law for the protection of constitutional rights and guarantees

Basic provisions

Article 1. Any individual inhabitant of the Republic, or body corporate domiciled in it, may request before the competent courts the protection provided for in article 49 of the Constitution for the enjoyment and exercise of constitutional rights and guarantees, and even of those basic rights of the human person which are not explicitly included in the Constitution, for the purpose of re-establishing immediately the legal situation which has been infringed or the situation which most resembles it.

The guarantee of personal freedom regulated by the habeas corpus of the Constitution shall be governed by this Law.

Article 2. The action of *amparo* may be instituted in respect of any fact, act or omission on the part of the public authorities whether national, state or municipal. It may also be instituted in respect of a fact, act or omission on the part of citizens, bodies corporate, groups or private organizations, which have violated, violate or threaten to violate any of the guarantees or rights protected by this Law.

Any threat which is imminent shall be considered to be a valid threat for the institution of the action of *amparo*.

Article 3. The action of *amparo* may also be instituted when the violation or threat of violation arises from a legal provision which is incompatible with the Constitution. In this case, the judicial authority which settles the action brought shall assess the implications of the legal provision which has been impugned and the judge shall inform the Supreme Court of Justice concerning the respective decision.

The action of *amparo* may also be instituted jointly with a public petition concerning the inconstitutionality of laws and other state provisions; in this case, the Supreme Court of Justice, if it appears appropriate for the protection of the Constitution, may suspend the application of the provision in question whose violation is alleged, while the judgement of nullity prevails.

Article 4. The action of *amparo* may also be instituted when a court of the Republic, acting beyond its competence, issues a resolution or a decision or orders an act which violates a constitutional right.

In these cases, the action of *amparo* must be brought before a higher court than the one which made the decision and this higher court shall rule on it briefly, summarily and effectively.

Article 5. The action of *amparo* may be instituted in respect of any administrative act, material actions, coercion, abstentions or omissions which violate or threaten to violate a constitutional right or guarantee, when

there is no existing means of bringing brief, summary and effective proceedings to ensure constitutional protection.

When the action of *amparo* is instituted in respect of administrative acts with particular effects or against abstentions or omissions of the administration, it may be brought before the competent administrative judge if there is one in the locality, together with the administrative appeal for the annulment of the administrative acts concerned or against the omissive conduct, respectively, which is being instituted. In these cases, the judge, in brief, summary and effective form, and in accordance with the provisions of article 22, if he considers it appropriate for the protection of the Constitution, shall suspend the effects of the act appealed against as a guarantee of the constitutional right which has been violated, so long as the judgement lasts.

Single paragraph. When the action of *amparo* is instituted in respect of administrative acts in conjunction with an administrative appeal based on the violation of constitutional right, the exercise of the appeal shall be without time limitations and shall be valid even after the lapses of time provided for in the law and the prior exhaustion of the administrative recourse shall not be necessary.

Civil Code

Article 105. No effect shall be recognized in Venezuela to any impediment to marriage laid down by the national legislation of the country of an alien who wishes to marry in Venezuela, when such impediment is based on differences of race, social status or religion.

Article 1196. The obligation to make reparation covers the whole of the material or moral damage caused by the unlawful act.

The Judge may, in particular, grant compensation to the injured party for bodily harm, for the impairment of his honour or reputation, or those of his family, or of his personal freedom, as well as in the case of invasion of his domicile or of a breach of secrecy affecting the injured party.

The Judge may, likewise, grant compensation to parents, relatives or spouse as reparation for the suffering caused in the event of the death of the victim.

Code of Civil Procedure

Article 1. The civil courts of the Nation, the States and the Federal District are obliged to administer justice both to nationals and to aliens, to those who are citizens, inhabitants or residents, either permanent or tem-

porary, in their territory, as well as to those who are none of these things, provided that the courts are competent to deal with the matter concerned under this Code and the fundamental laws.

Article 21. The courts shall preserve the common rights and powers of the parties without preference or inequality of any kind; it shall likewise preserve the respective exclusive rights of each party, in accordance with the provisions of the law concerning the difference in their positions in the proceedings, without allowing or granting transgressions of any kind.

Administrative Procedures Act

Article 2. Any interested person may, by himself or through a representative, address requests or petitions to any administrative body, entity or authority. The latter must give a decision on any request or petition addressed to them or, where appropriate, state their reasons for not doing so.

Agrarian Reform Act published in Gaceta Oficial, No. 611, of 19 March 1960

Article 2 . . ., this Act:

(*a*) Guarantees and regulates the right of private ownership of land, in conformity with the principle of the social function which it is required to fulfil and the other regulations established in the Constitution and the law;

(*b*) Guarantees the right of any individual or group showing an aptitude for farming or stock-breeding and having no land or insufficient land to be allocated economically viable land, preferably in the regions where they work and live, or when circumstances make it advisable, in areas selected with regard to the limits and rules established by this Act;

(*c*) Guarantees the right of farmers to remain on the land which they are cultivating in accordance with the terms and conditions provided by this Act;

(*d*) Guarantees and recognizes for the indigenous populations which in practice are still living as communities or extended families, without prejudice to their right as Venezuelans, in accordance with the foregoing paragraphs, the right to enjoy the land, woods and waters occupied by or belonging to them in their habitual place of abode, without prejudice to their incorporation in national life in conformity with this and other laws;

(*e*) Promotes and protects in particular the development of small- and medium-size holdings and farm co-operatives so that they will become stable and efficient.

Accordingly, the right to have a family smallholding is established in conformity with the regulations concerning free grants contained in this Act.

Act approving the Treaty on Amazonian Co-operation published in the Gaceta Oficial *No. 31,993*

Article 1. The contracting parties agree to engage in joint initiatives and activities to promote the harmonious development of their respective Amazonian territories, so that such joint activities yield equitable and mutually beneficial results, as well as the preservation of the environment and the conservation and rational use of the natural resources of these territories.

Sole paragraph. Accordingly, they shall exchange information and prepare operative agreements and understandings as well as the relevant legal instruments to allow the purposes of this Treaty to be achieved.

Article XIII. The contracting parties shall work together to increase the flow of tourism, national and from other countries, in their respective Amazonian territories, without prejudice to the national provisions relating to the protection of indigenous cultures and natural resources.

Decree No. 250 of 27 July 1951

Article 1. Persons or entities planning expeditions, whatever the kind or purpose, to indigenous regions, shall make a written application to the Ministry of Justice specifying the conditions in which they will undertake the expedition, its purpose, duration, region of transit and other details which will allow a general idea to be formed of the project.

Sole paragraph. Expeditions related to national defence and security and, in general, all official expeditions ordered by the Government or by State Governments shall be exempt from this requirement.

Article 2. The Ministry of Justice shall study in each case the documentation and credentials submitted by applicants and shall take the appropriate decision on the basis of the guarantees offered.

Article 3. Persons who infringe the provisions of this Decree by undertaking expeditions without permission or who fail to comply with the conditions under which permission was granted, shall be liable to the payment of fines ranging from Bs 1,000 to Bs 15,000, depending on the seriousness of the offence and on the decision of the Ministry of Justice without prejudice to any other legal action which the offences committed may incur.

Article 4. The Ministry of the Interior and the Ministry of Justice shall be responsible for the implementation of this Decree.

Decree No. 283 of 20 September 1979

Article 1. Without prejudice to the knowledge proper to the national culture, a system of intercultural bilingual education so designed as to be adapted to the socio-cultural characteristics of each of the relevant ethnic groups shall gradually be introduced in the educational establishments situated in areas inhabited by indigenous persons.

Article 2. The cultural standards, rhythm of life and environmental conditions peculiar to each community must be taken into account in designing study programmes, selecting teaching materials and formulating norms of operation. The teaching staff must have training adjusted to the requirements of this type of education.

Article 3. For the purpose of introducing the system referred to by the present Decree, the Ministry of Education shall seek advice from public and private institutions which have a record of suitability and consistency in promoting this type of education.

* * *

Venezuela is a party to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* which has become part of Venezuelan internal law following its approval by special legislation published in the *Gaceta Oficial* No. 32,572 of 1 October 1982. On 16 May 1986, Venezuela signed the International Convention against *Apartheid* in Sports and the formalities concerning its ratification and promulgation as a special law are being cleared.

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